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Paper No. 7

DARBY & DARBY P.C.
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NEW YORK, NY 10022

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AUG 12 2002

OFFICE OF PETITIONS

In re Application of :
Pinda, Mayer, Spieczny, Schmidt, :
Soloff, Rose, Reilly, and Bhamre : DECISION ACCORDING STATUS
Application No. 09/839,502 : UNDER 37 CFR 1.47(a)
Filed: 20 April, 2001 :
Attorney Docket No. 6565/1G622-US1 :

This is in response to the renewed petition under 37 CFR 1.47(a),
filed on 15 March, 2002.

The petition is GRANTED.

Petitioners provided a declaration signed by previously non-signing inventors Pinda and Bhamre. Additionally, petitioners have shown that the non-signing inventors, Colleen Reilly and David Soloff, have refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the petitioners have established, that a copy of the above-identified application was sent to the non-signing inventors' last known address. An additional letter was sent to the non-signing inventors via Federal Express including a substitute declaration. The nonsigning inventors have failed to sign and return the declaration naming them as joint inventors along with Andres Pinda, Juliana Mayer, Steven Spieczny, David Schmidt, Sparky Wilson Rose, and Neal Bhamre.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.


As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition, not the declaration. Notice of the filing of this application will also be published in the Official Gazette.

It is noted that the declaration filed with the present petition lists a different order of inventors' names than did the declaration filed on 20 April, 2001. The order of names of joint patentees in the heading of the patent is taken from the order in which the typewritten names appear in the original oath or declaration.¹ Therefore, if petitioners desire that the order of names be other than as specified on the declaration filed with the application, a petition under 37 CFR 1.182 to change the order of inventors must be filed, accompanied by the requisite petition fee.

Additionally, as stated in the decision mailed on 15 January, 2002, it is noted that the first named inventor's last name appears as "Pinda" on the declaration filed with the original application papers but as "Pineda" in other application papers and in the declaration filed with the present renewed petition. As the inventorship is determined by the original executed oath or declaration, a petition under 37 CFR 1.182 to correct an inventor's name, accompanied by the requisite petition fee, must be filed if an inventor's name is not correctly spelled on the declaration. A new oath or declaration in compliance with 37 CFR 1.63 and 1.67 must be submitted with any renewed petition.

The application is being forwarded to Technology Center 3600 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.


Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹MPEP 605.04(f).



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Colleen Reilly
221 Noe St., Apt. 8
San Francisco, CA 94114

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OFFICE OF PETITIONS

In re Application of
Pinda et al.
Application No. 09/839,502
Filed: 20 April, 2001
For: INTERACTIVE EMPLOYMENT SYSTEM AND METHOD

Dear Ms. Reilly:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 703/308-6918. Requests for information regarding your application should be directed to the File Information Unit at 703/308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 703/308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
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David Soloff
1035 Deharo #2
San Francisco, CA 94107

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AUG 12 2002

OFFICE OF PETITIONS

In re Application of
Pinda et al.
Application No. 09/839,502
Filed: 20 April, 2001
For: INTERACTIVE EMPLOYMENT SYSTEM AND METHOD

Dear Mr. Soloff:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Douglas I. Wood
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